

B O I E S , S C H I L L E R & F L E X N E R L L P

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September 15, 2015

**VIA ECF**

Honorable Michael H. Dolinger  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: ***In re: Pineapple Antitrust Litigation,***  
**Civil Action No. 1:04-md-1628 (RMB)(MHD)**

Dear Judge Dolinger:

We are writing on behalf of the Del Monte Defendants in the above-captioned case to provide an updated status report. *See* Dkt. No. 254. Pursuant to the Court's order (Dkt. No. 255), we notified non-parties Dole, Chiquita and Maui Land of their right to file objections to unsealing by September 11, 2015. *See* Dkt. No. 256. No such objections have been filed.

Subject to the Court's approval, Del Monte has reached agreement with Mr. Samuels regarding his motion to unseal. Del Monte has no objection to unsealing all of the requested documents, with one exception where certain limited information would be redacted.

The parties intended to submit to the Court shortly a proposed form of order that will effectuate their agreed resolution of Mr. Samuels' motion by providing for unsealing of the documents. With respect to the expert report of Ronald W. Cotterill, the document currently under seal in the court file does not contain the agreed redactions; in lieu of unsealing, the proposed order would direct public filing of the document with the agreed redactions.

Counsel for Mr. Samuels has approved this letter.

Respectfully yours,

/s/ David A. Barrett  
David A. Barrett

cc: All parties via ECF